

MINUTES OF THE REGULAR MEETING OF OCTOBER 15, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 15, 2015 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Ms. Janelle Cornwell – Planning and Zoning Manager.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of September 24, 2015 as amended. Motion carried 4 – 0.

OLD BUSINESS

C/U #2026 – Cristian Omar Hernandez Perez and Terri L. Martin

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a home based business (auto repair, detailing, and auto resales) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.982 acres, more or less. The property is located south of Lewes-Georgetown Highway (Route 9) 0.8 mile east of Harbeson Road (Route 5) at Harbeson (911 Address: 26740 Lewes-Georgetown Highway, Harbeson) Tax Map I.D. 235-30.00-60.00.

The Commission discussed this application which has been deferred since August 27, 2015.

Mr. Johnson stated that he would move that the Commission recommend denial of Conditional Use No. 2026 for Cristian Omar Hernandez Perez and Terri L. Martin for a conditional use of land for a home based business for auto repair, detailing and auto resales based upon the record made during the public hearing, and for the following reasons:

- 1) The property is currently zoned for residential use and has a home situated upon it. There are no buildings on the site where automotive work can safely and adequately occur and there are no facilities for handling automotive fluids, disposal of parts or storage of equipment or tools.
- 2) The applicants have been operating an automobile business on the property for some time. The use is spread all over the site, including the side, back and front yards and driveway. Repair work is currently performed on the home's driveway and elsewhere on the property on grass and gravel. As a result, the property and the use that is occurring on it, were found to be in violation of the Zoning Code.
- 3) In addition to the repairs that occur all over the property, it is not suited for automobile sales. An automobile sales lot is not consistent with the adjacent properties in this area of Route 9. There is no room for multiple cars to be displayed for sale on this property.
- 4) There is not sufficient room on the property for the buildings that would be required for a use like this, the residence, the tenant's own cars, cars being worked on, customers cars, cars for sale and safe entrance and exit to and from Route 9.

- 5) There is not sufficient access for customer parking, and there was testimony that most visitors or customers park their vehicles on the shoulder of Route 9.
- 6) There are other locations nearby or in other areas of Sussex County that have the appropriate commercial zoning where the proposed use could be more appropriately located.
- 7) While there are other businesses nearby that perform auto repairs and some limited car sales, these businesses have buildings and equipment to perform repairs indoors. They are licensed and have been in business for many years and have facilities for handling automotive fluids and vapors, and provide for the proper disposal of these fluids and car parts.
- 8) The record contains 38 signatures in opposition to the application. No parties appeared in support of the application.
- 9) While this use may serve a need for residents of Sussex County, this is not the appropriate location for the current and proposed use.
- 10) For all of these reasons, it is recommended that this Conditional Use application be denied.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be denied for the reasons stated. Motion carried 3 -1 with Mr. Ross opposing the motion.

C/Z #1783 – Cauthen Ventures DE, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.79 acres, more or less. The property is located north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive (911 Address: None Available) Tax Map I.D. 533-12.00-100.00.

The Commission discussed this application which has been deferred since September 10, 2015.

Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1783 for Cauthen Ventures DE, LLC for a Change of Zone from AR-1 Agricultural Residential to MR Medium Density Residential based upon the information contained in the record and for the following reasons:

- 1) The proposed rezoning to Medium Density Residential meets the purpose of the Zoning Ordinance and that it promotes the orderly growth of the County and the proposed project is in a Developing Area according to the Sussex County Comprehensive Land Use Plan.
- 2) Sewer service will be provided as part of the County operated sanitary sewer district, and adequate wastewater capacity is available for the project.
- 3) The site will be served with central water.
- 4) This is basically an infill rezoning. MR Medium Density Residential zoning is consistent with the neighboring and adjacent zoning, which includes lands that are zoned MR Medium Density Residential, GR General Residential, HR High Density Residential, and a non-conforming/conditional use manufactured home development.

- 5) MR Medium Density Residential zoning is appropriate for this site and is consistent with the purposes of the MR Medium Density Residential District according to the Sussex County Zoning Code. The purpose of the MR Medium Density Residential zoning is to provide for Medium Density Residential development in areas which are generally urban in character. The surrounding development includes a manufactured home park, single family development and multi-family/townhouse communities. The MR Medium Density Residential zoning is consistent with this character and the purpose of the MR Medium Density Residential Zoning District.
- 6) The proposed rezoning to MR Medium Density Residential will not adversely affect the neighboring properties, uses or roadways.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0.

C/U #2028 – Cauthen Ventures DE, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.79 acres, more or less. The property is located north of Lighthouse Road (Route 54) east of Laws Point Road, and northwest of Bayville Shores Drive (911 Address: None Available) Tax Map I.D. 533-12.00-100.00.

The Commission discussed this application which has been deferred since September 10, 2015.

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2028 for Cauthen Ventures DE, LLC for a Conditional Use of to allow multi-family dwellings based upon the information contained in the record and for the following reasons:

- 1) The proposed Conditional Use meets the purpose of the Sussex County Zoning Code in that it promotes the orderly growth of the County because the proposed project is in a Developing Area according to the Sussex County Comprehensive Land Use Plan.
- 2) The development of this site with 61 townhouse units is consistent with the densities of surrounding developments.
- 3) Sewer service will be provided by Sussex County as part of the County operated sanitary sewer district.
- 4) The residential development will be served by central water.
- 5) The Conditional Use will permit the development of the property in a way that is consistent with the mixed residential uses that exist in the area, including townhouses on the parcel adjacent to the site.
- 6) The location for this conditional use with townhouses is appropriate along this section of Route 54.
- 7) The proposed development will not adversely affect neighboring properties or roadways.
- 8) This recommendation is subject to the following conditions:
 - A. There shall be no more than 61 townhouse units constructed on the site.
 - B. All entrances, intersections, inter-connection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements.

- C. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with Sussex County Engineering Department specifications and regulations.
- D. The Conditional Use shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- E. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- F. As proffered by the applicant, a five foot pedestrian/bike path, properly marked, will be constructed in the internal drive right-of-way which will connect to the existing sidewalk on Route 54.
- G. The applicant shall submit, as part of the Site Plan review, a landscape plan showing the proposed tree and shrub landscape design.
- H. The applicant shall form a homeowners or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities, and other common areas.
- I. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- J. A 20-foot wide perimeter buffer shall be provided as shown on the Preliminary Site Plan. The buffer, which may include existing vegetation, shall be included as part of the Final Site Plan.
- K. As proffered by the applicant, as many existing trees shall be retained as possible throughout the site. The undisturbed areas and trees that will not be removed shall be shown on the Landscape Plan that is included as part of the Final Site Plan.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markings to prevent disturbance.
- M. Construction, site work, grading, and deliveries of construction materials, landscaping materials, and fill on, off or to the property shall only occur Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. and on Saturday between the hours of 9:00 a.m. and Noon.
- N. This preliminary approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The staff shall approve the revised Plan upon confirmation that conditions of approval have been depicted or noted on it.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/U #2030 – Dean Sherman/Sherman Heating Oil

An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for propane and oil storage tanks to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 8.82 acres, more or less. The property is located west of Sussex Highway (U.S. Route 13) and east of Seaford Road (U.S. Route 13A) (911 Address: None Available) Tax Map I.D. 331-3.00-164.00.

The Commission discussed this application which has been deferred since September 24, 2015.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2030 for Dean Sherman/Sherman Heating Oil for a Conditional Use for propane and oil storage tanks based upon the record made at the public hearing and for the following reasons:

- 1) The project is located on a commercially-zoned property within the Highway Commercial Area according to the Comprehensive Land Use Plan. The proposed use for propane and oil storage tanks is appropriate under this designation.
- 2) The project is located between U.S. Route 13 and U.S. Route 13A. This is an appropriate location for the proposed use.
- 3) The site has a history of commercial/industrial type uses, and the proposed use is consistent with the prior use of the property.
- 4) The project, with the conditions and stipulations to be placed upon it, will not have an adverse impact on the neighboring properties or community, and there are other properties with commercial uses in the area.
- 5) The use is of a public or semi-public character and is desirable for the general convenience and welfare of the area and the County.
- 6) The design will meet all State and National Fire Regulations.
- 7) Letters of support from surrounding property owners were submitted into the record, and no parties appeared in opposition to the proposed use.
- 8) This recommendation for approval is, however, subject to the following conditions and stipulations:
 - A. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties or roadways.
 - B. The property is zoned C-1 General Commercial, The sign regulations applicable to the C-1 General Commercial zoning shall apply to this use.
 - C. The proposed use shall meet all local, State, and National Fire Regulations.
 - D. As so stated by the applicant, only portable tanks shall be stored within the DP&L right-of-way.
 - E. All parking areas shall be clearly designated on the Final Site Plan and on the site itself.
 - F. The applicant shall comply with all DelDOT requirements for roadway improvements and ingress and egress.
 - G. The Final Site Plan shall be subject to the approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/U #2031 – East Coast Auto, Inc.

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for used car sales to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 1.3 acres, more or less. The property is located south of Stein Highway (Route 20) 0.29 mile east of Woodland Ferry Road (Route 78) (911 Address: None Available) Tax Map I.D. 531-11.00-40.00.

The Commission discussed this application which has been deferred since September 24, 2015.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2031 for East Coast Auto, Inc. for used car sales based upon the record made at the public hearing and for the following reasons:

- 1) The project, with the conditions and stipulations so placed upon it, will not have an adverse impact on the neighboring properties or roadways.
- 2) The area has a history of automotive sales uses. This applicant's family formerly owned and operated a used car business on the adjacent property many years ago. That use continues under other ownership.
- 3) The use will not adversely affect area roadways.
- 4) There are other business and commercial uses in the area, including the car sales facility next door. This use is consistent with the nature and character of the neighborhood.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation for approval is, however, subject to the following conditions and stipulations:
 - A. The hours of operation shall be from 9:00 a.m. to 6:00 p.m. Monday through Saturday.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. Any repairs shall be performed indoors. No automobile parts shall be stored outside.
 - F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - G. No more than 12 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked on the site in preparation for the sales lot.
 - H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
 - I. The site is subject to all DelDOT entrance and roadway requirements.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

PUBLIC HEARINGS

C/Z #1785 – Truitt Homestead, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 23.5079 acres, more or less. The property is located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road (911 Address: None Available) Tax Map I.D. 334-19.00-3.00.

C/U #2029 – Truitt Homestead, LLC

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for single-family/condominium units (age restricted) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 23.5079 acres, more or less. The property is located west of Shuttle Road (Road 273D) 250 feet northwest of Country Club Road (911 Address: None Available) Tax Map I.D. 334-19.00-3.00.

After asking James A. Fuqua, Jr. Esquire, present on behalf of the applicants, it was decided that the public hearings for C/Z #1785 and C/U #2029 would be combined and heard as one public hearing to establish the record and that individual decisions would be rendered on each application after the public hearing.

The Commission found that the applications were filed on July 1, 2015 and that the applicant provided surveys and site plans relating to the application; that on July 2, 2015 Wm. Roger Truitt, one of the property owners submitted a letter describing their intent of development of the property; and that on October 5, 2015 the applicant provided an Exhibit Booklet which contains a Presentation Outline; a Data Column; a Topographic Worksheet Plan; a Boundary Survey; a copy of the application for the rezoning; a copy of the application for the Conditional Use; a copy of the deed to the property; a legal description; a list of property owners; Preliminary Site Plans; Revised Preliminary Site Plans based on TAC comments; a series of maps; their Response to the PLUS comments; an Environmental Assessment and Public Facilities Evaluation Report; references to compliance with Chapter 99-9C of the Subdivision Code; and Responses to the TAC comments.

Mr. Lank advised the Commission that the file includes separate copies of the referenced PLUS comments, DelDOT comments, and TAC comments.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated October 14, 2015, referencing that the property is located in the West Rehoboth Expansion Area of the Dewey Beach Sanitary Sewer District; that wastewater capacity is available for the project based on EDU calculations; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,775.00 per EDU; that gravity sewer is available in Shuttle Road; that conformity to the North Coastal Area Planning Study will be required; that sewer connection will be mandatory; that the project site has been allocated for sewer service at 4.0 EDU per acre; that the project as proposed for 90 condominium ownership single family residential units and the clubhouse and

pool are within sewer planning assumptions for capacity allocated to the whole site; that development of the additional 1.6 acre area will exceed capacity allocations and shall require some sewer system upgrades, at the developers expense, before additional development of the parcel is approved for sewer connection; that the proposed development will require a developer installed collection system in accordance with County standards and procedures; that the County Engineer shall approve the connection point; that a sewer conceptual plan shall be submitted for review and approval prior to initiating the annexation process; that a concept plan is required; and that conformity to the North Coastal Area Planning Study and the approved concept plan will be required.

Mr. Lank advised the Commission that on October 5, 2015 Mr. Fuqua provided a copy of “Age Restricted” home design considerations to be incorporated in the proposed development for the record.

The Commission found that Roger Truitt was present on behalf of Truitt Homestead, LLC with James A. Fuqua, Jr., Esquire of Fuqua, Yori and Willard, P.A., Zac Crouch, Professional Engineer, and D. J. Hughes, Professional Engineer, both of Davis Bowen & Friedel, Inc. Deborah Young, an amenities designer for age restricted communities, and Preston Schell, a Principal of Ocean Atlantic and Schell Brothers, and that they stated in their presentations and in response to questions raised by the Commission that they are proposing two applications, one to rezone the property to MR Medium Density Residential and one for a Conditional Use for the age-restricted project on the site; that the site contains 23.5079 acres and that they are proposing 90 single-family detached condominium units; that the site is across from the State Park & Ride, in close proximity to The Keys at Marsh Harbor, a multi-family project, adjacent to Kings Creek Subdivision, the Villages at Kings Creek, a multi-family project, Stable Farm Subdivision, and Kinsale Glen Residential Planned Community; that the Truitt family has owned the property for 107 years; that the property has restrictive covenants that limit transfer of the property; that the lands around the site have been residentially developed; that the site currently contains an executive golf course; that the land is intended to be leased to the developers; that Ocean Atlantic and Schell Brothers will be developing the site; that the project will be age restricted; that units will have at least one entrance at ground level for wheelchair accessibility; that the units will be ADA compliant; that the units will have central vacuums; that proposed amenities include a clubhouse, indoor aquatic therapy pool, sidewalks and walking paths, and easy access to the Park & Ride facility; that an area of 1.6 acres is reserved in the center of the project for the future application for an assisted living facility, but is not a part of this application; that public water will be provided by Tidewater Utilities; that capacity is available for connection to the County sewer system; that stormwater management and erosion and sediment control facilities will be built to Sussex Conservation District standards; that there are 1.4 acres of Federal wetlands on the site; that there are no State wetlands on the site; that they are proposing to provide a minimum width of 25 feet to buffer any wetlands; that DelDOT did not require a Traffic Impact Study, and have advised that this project will create less traffic per day than an AR-1 Agricultural Residential standard subdivision due to the proposed age-restriction; that the site is located in the Rehoboth Beach Volunteer Fire Department service area; that the site is located in the Cape Henlopen School District; that a condominium association will be established; that the site is located in an Investment Level 1 according to the Strategies for State Policies and Spending; that the site is located in the Environmentally Sensitive Developing Area according to

the Sussex County Comprehensive Land Use Plan; that the zoning requested is consistent with the nearby MR Medium Density Residential zoning and AR-1 Agricultural Residential zoning, the nearby condominium units, the commercial activities along Route One, and the State Park & Ride; that the streets/drives will be built to County Code; that the entrance will be built to DelDOT regulations; that approximately 0.5 acre of the open area on the site is being set aside for active use with a clubhouse, pool, and gardens; that sidewalks will be located on both sides of the streets/drives; that the existing parking area on the site will be retained for overflow; that a 20 foot wide buffer will be provided around the perimeter of the site; that landscaping will be provided per the Subdivision Ordinance; that as many existing trees will be maintained as possible; that no homes will be built in a flood zone; that the existing pond on the golf course will be converted to a stormwater management facility; that they will meet all Codes relating to Well Head Protection Areas; that they will promote the use of the State Park & Ride; that the project will be developed with a long term lease with Ocean Atlantic and Schell Brothers; that the golf project has not recently been profitable; that the Truitt family will remain the landowner; that an age restricted community is needed in the area; that Mr. Truitt met with all of the Homeowners Associations in the community; that the proposed project is consistent with the County Comprehensive Land Use Plan, the Strategies for State Policies and Spending, and the Zoning Ordinance; that Kinsale Glen has a density of approximately 1.69 units per acre; that Stable Farms has a density of approximately 3.14 units per acre; that the Village at Kings Creek has a density of 4.28 units per acre; that the Keys at Marsh Harbor has a density of 5.26 units per acre; that the Kings Creek Subdivision has a density of less than 2 units per acre; that the proposed project has a density of 3.8 units per acre; that the setbacks for the project relate to perimeter property lines since this is a proposed multi-family project; that they are proposing that units be separated by 10 feet; that the units will have garages and driveway parking; that the streets will have curb and guttering; that the Village at Kings Creek has 8 condominium units, but could not have been developed as 8 single family lots due to the irregular shape of the property; and that the lease is intended to be for a period of 105 years.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Facts and Conditions of Approval for consideration.

Mr. Robertson stated that there are specific guidelines in Federal regulations for age-restricted communities.

The Commission found that there were no parties present in support of the application other than those present on behalf of the application.

The Commission found that Dr. Ray Bryant, a resident of Kinsale Glen, Debbie Donovan, a resident of Kinsale Glen, and Theodora Braver, a resident of the Village at Kings Creek, were present in opposition to the applications and expressed concerns relating to traffic, increased traffic, and pedestrian and cyclist safety; that it is already dangerous to cross Shuttle Road to get to the Park & Ride; that a Traffic Impact Study should have been required; that the new Rehoboth Gateway project will create additional traffic at County Club Road and Shuttle Road due to proposed ingress/egress locations; that 55 year old and older citizens do drive and travel; that a small pet cemetery does exist on the site; that the 10 existing communities along Shuttle

Road and County Club Road already are affected by traffic; and that the intended use will add to the congestion of the area.

The Commission found that Mr. Truitt responded that the small pet cemetery is a family pet cemetery for personal use of the family.

At the conclusion of the public hearings, the Commission discussed these applications.

In reference to Change of Zone No. 1785 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

In reference to Conditional Use No. 2029 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

OTHER BUSINESS

The Estuary – Phases 1B – 1D for Subdivision #2005-64

Final Subdivision for Phases 1B – 1D

This is a final subdivision plan for Phases 1B-1D of the Estuary. The Commission granted preliminary approval for the revised Phase 1 on May 22, 2014. The original Phase 1 was approved on October 28, 2010. The original subdivision was reviewed by the Commission at their meeting on August 24, 2006. Phases 1B-1D propose 257 lots. The total number of lots within phase 1 is 279. This is fewer than the revised Phase 1 plan. Several lots were re-arranged in location and size from the revised preliminary to the final plan. There are several additional smaller parcels of open spaces throughout the development. The road layout did not change. The property is zoned AR-1. The tax map numbers are 134-19.00-103.00, 104.00, 115.00, 116.00, & 389.00 to 413.00. Staff is in receipt of all agency approvals.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Final Subdivision Plan. Motion carried 5-0.

The Resort at Massey's Landing – C/U #1963

Final Site Plan

This is a final site plan for a 291 unit campground. The campground is comprised of 216 recreational vehicle sites, 70 park model sites and 5 tents sites. There are also a number of amenities proposed as part of the park. They include a welcome center, crabbing and fishing piers, bathhouses, Dog Park, as well as other items. The use as a campground requires a Conditional Use. The Conditional Use (CU 1963) was approved on December 9, 2014. The final site plan complies with all of the conditions. The property is zoned AR-1. The tax parcel numbers are 234-25.00-31.00, 31.02 & 31.04. Staff is in receipt of all agency approvals.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Final Site Plan. Motion carried 5-0.

Solitudes on White's Creek – Subdivision #2005-59

Revised Preliminary Record Plan

This application is for a revised preliminary record plan. The original subdivision was approved by the Commission at their meeting on August 19, 2009. The original plan proposed 139 single family lots. The revised plan proposed 119 single family lots. A reduction of twenty (20) lots. There were no significant changes to the road layout. There is an increase in open space throughout the subdivision. Sidewalks will be provided along both sides of the streets and streetlights will be provided throughout the development. The property is located off of Clubhouse Rd. and Main St. The property is zoned MR. The final plan will come back before the Commission upon receipt of agency approval letters. The plan will expire at the end of the year unless under substantial construction.

There was a brief discussion regarding the status of the subdivision. The subdivision was recorded and shall expire unless under substantial construction.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Revised Preliminary Subdivision Plan. Motion carried 5-0.

Independence – Subdivision #2004-43

Revised Record Plan

This is a revision to the Independence subdivision. The revisions include the creation of a new stormwater management area and revisions to the roads regarding drainage. The new stormwater management area will be located behind lots 306-313 off Patrick Henry Circle. The Commission approved revisions for the relocation of lot on March 19, 2008. The original subdivision was approved September 28, 2006. Sidewalks along one side of the street and streetlights are still part of the subdivision as are all the other conditions of approval. Staff is in receipt of approvals from Sussex County Engineering and Sussex Conservation District.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Revised Record Plan. Motion carried 5-0.

Lands of Donald and Mary O'Bier on Smith Road

Minor Subdivision with 50' Easement

This is a minor subdivision for the creation of three (3) parcels off a proposed 50' easement. The residual and lot 1 have access off of Smith Road. Any further subdivisions shall require a major subdivision. The easement will be located over an existing entrance. The property is zoned AR-1. The tax parcel number is 230-21.00-15.03. The property is located on the west side of Smith Rd. south of Amethyst Lane.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the Minor Subdivision with 50' easement upon receipt of approval from DelDOT with any further subdivision requiring a Major Subdivision. Motion carried 5-0.

Lands of Barry Dukes II on Dukes Lumber Road

Minor Subdivision with 50' Easement

This is a minor subdivision for the creation of one (1) parcel off a proposed 50' easement. The new lot will be 5 acres and the residual will be 7.82 acres. The easement will be located over an existing entrance. The property is zoned AR-1 and B-1. The tax parcel number is 232-8.00-5.04. The property is located on the east side of Duke Lumber Road, north of Sycamore Road. Staff is awaiting approval from DelDOT.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to approve the Minor Subdivision with a 50' easement upon receipt of approval from DelDOT. Motion carried 5-0.

Canaan Woods – Subdivision #2006-67

Consideration of Conditions of Approval

This is for the consideration if Condition D of the subdivision has been met. The Commission granted preliminary approval of the subdivision at their meeting of January 14, 2009. As part of the preliminary approval Condition D required that an agreement with Delmarva Power and Light Co. be obtained for access to the property. In 2014 Delmarva Power noted objection to the proposed road and grading to be located within the easement. The attorney for the owner of the development believes that the existing easement established in 1974 that allows the landowner access to the existing dirt road would allow for the paving of said road and would not impact the easement. The attorney is asking the Commission to consider the Condition D complete as there is an existing easement.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to delete Condition D of the Subdivision 2006-67. Motion carried 5-0.

Stockley Materials – C/U #1656

Expansion of Conditional Use and Revised Site Plan

This is a request to allow for expansion of the existing Conditional Use without a public hearing. On May 2006 the Commission recommended approval for the use for the grinding of vegetative material and mulch storage. On June 13, 2006 County Council approved the use. The applicant is requesting an expansion of the Conditional Use to allow for the potential construction of a 50'x70' building. The proposed expansion is located within the existing area of the Conditional Use. This review may also be considered a revised preliminary site plan for the construction of the 50'x70' building if the Commission determines the proposed expansion of the Conditional Use is acceptable and does not require a public hearing. The tax parcel number is 133-6.00-125.04. The property is zoned AR-1 and is located off of DuPont Blvd. Staff is awaiting approvals from all reviewing agencies.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to approve the expansion of the Conditional Use without a public hearing and to approve the Preliminary Site Plan with Final Site Plan approval subject to staff upon receipt of agency approvals. Motion carried 5-0.

Meeting adjourned at 8:15 p.m.